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# A CATALOGUE

OF THE PRINTED BOOKS IN THE

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OF

THE HONOURABLE SOCIETY OF THE

# MIDDLE TEMPLE

ALPHABETICALLY ARRANGED, WITH AN INDEX OF SUBJECTS

BY

C. E. A. BEDWELL

KEEPER OF THE LIBRARY

UNDER THE DIRECTION OF THE MASTERS OF THE BENCH

I

AUTHOR CATALOGUE

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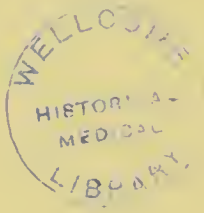

# PREFACE.

The earliest reference to a Library belonging to the Society of the Middle Temple occurs in a manuscript[1] generally ascribed to the reign of Henry VIII. and containing a description of the government and state of the Inn. The section devoted to the Library states:

> "They now have no library, so that they cannot attaine to the knowledge of divers learnings, but to their great chardges, by the buying of such bookes as they lust to study. They had a simple library, in which were not many bookes besides the law, and that library by meanes that it stood allways open, and that the learners had not each of them a key unto it, it was the last robbed of all the bookes in it."

The first mention of the Library in the records of the Inn is in connection with the bequest of Robert Ashley, who was the youngest brother of Sir Anthony Ashley, Clerk of the Privy Council, and Sir Francis Ashley, called to the degree of Serjeant in 1618. Robert Ashley recorded in his will[2] that he had "some opportunitie of a retired life in this Society for many yeares together, and of some short excursions to acquaint myselfe with our neighboring nations" and had not "spared any labour or expence in procuring the principall writers in their severall languages, espetially such as had opportunitie to be

[1] Preserved in the British Museum, Vitellius C. 9. in Bibl. Cotton. f. 320 a. and printed in Herbert's *Inns of Court*, pp. 211 *et seq.*

[2] The will is printed at length in the *Minutes of Parliament*, vol. ii. p. 917, published in 1904.

acquainted with the moste remote and unknowne partes." He bequeathed his Library to the Inn that it might "happily be usefull to some good spirittes after me," and desired that the books might be available for any student "whether of our owne or of any forraigne nation[1] that may be curious to see somewhat which he cannot so readily finde elsewhere." Sir Peter Ball, a Master of the Bench, and the Master of the Temple, were requested to make a Catalogue of the books given to the Inn. A comparatively small number of volumes can be distinguished with certainty as having belonged to Ashley's Library and, until the recent identification of some Year Books as his property, it was believed that they consisted wholly of non-legal works, chiefly history and geography, theology and philosophy. Under the terms of Ashley's bequest a Keeper of the Library was to be appointed, and one of his executors was selected in 1642 to be the first Keeper.[2]

In 1657 the Masters of the Bench directed that "a book of parchment leaves shall be provided handsomely bound to register the names and gifts of benefactors."[3] At the same time it was ordered that "all law books which are or shall come forth shall be bought and placed" in the Library.[4] Two years before £25 had been paid to Mr. Henry Muddiman, probably the same as he who was afterwards founder of the *London Gazette*,[5]

[1] Ashley's intention has become a tradition of hospitality on the part of the custodians of the Library towards foreign students. Among works in recent years of which the whole or greater part has been written in the Library may be mentioned *La Recognizance dans le Droit Anglais*, par M. Adrien Paulian; *Het Burgerlijk Geding voor de King's Bench Division in Hoofdtrekken Geschetst*, by Dr. Paulus; and Professor Matsunami's treatise on the subject of collisions between warships and merchant vessels.

[2] For a list of Keepers of the Library, with brief biographical notices, see *The Middle Temple Bench Book*, by Master A. R. Ingpen, K.C.

[3] The record was continued only until the year 1710. It was revived from 1826 to 1865.

[4] For some further particulars of the Library and its development, see *A Brief History of the Middle Temple*, pp. 79-99, by C. E. A. Bedwell.

[5] See *Cambridge History of English Literature*, vol. vii. p. 362 *et seq.*

for sorting and cataloguing the books, but no catalogue of that date is now in existence. Lists of books were made from time to time before the appointment of new Keepers of the Library, but the first printed Catalogue was published in the year 1700, in the Treasurership of Sir Bartholomew Shower. The Catalogue was arranged in classes, but the law books occupied less than eight pages out of two hundred and fifty-six. The next Catalogue was published in the Treasurership of Master Worsley, in 1734. It seems to contain some of the work of Henry Carey, clerk in the chapel at Lincoln's Inn, who narrated in a letter in 1717 to the Earl of Oxford that he had been employed "in regulating and reducing to decency and order a place which through long neglect was become a perfect chaos of paper, and a wilderness of books which were mixed and misplaced to such a degree that it was next to an impossibility to find out any particular book without tumbling over the whole." He stated that he had made "a new catalogue in five alphabets with columns (all of my own invention) of all the tracts contained in the Library, which catalogue is 100 sheets in folio, and the books are now so regularly ranged and the catalogue so plain, easy, and exact, that anybody may go directly from it to any required book or pamphlet without any difficulty or hesitation."[1]

The separate cataloguing of the tracts in the Catalogue of 1734 which Carey claimed to have initiated was not retained in later editions, but the arrangement has been restored on the present occasion. A collection of Speeches, Sermons, and other publications dated before the year 1700 which may be included under the description of "tracts" has been set aside to be catalogued later in a separate volume, to which it is proposed to add a list of the few manuscripts in the possession of the Inn. It may also be thought desirable to issue a separate descriptive catalogue of early printed books, including

[1] *Portland MSS.* vol. v. p. 553.

those which are somewhat briefly entered on the present occasion, notably the Year Books.

More than a century passed before another printed Catalogue was issued in two volumes in 1845, which was followed in a comparatively short time by the Catalogue recording the collection as it existed after removal to the new building opened by his late Majesty King Edward VII., then Prince of Wales, on October 31, 1861, upon the occasion of his election to the Bench of the Inn. The present Catalogue, therefore, shows in comparison the growth of the Library during the last fifty years, in which the number of volumes has been trebled, and an intermediate stage of development is recorded in the Supplement of 1877 and the Catalogue which was published in 1880, since when the Library has been almost doubled in size. In preparing the present Catalogue the primary consideration has been the special use by members of the Inn, though due regard has been paid so far as possible to the rules of the British Museum and the Code of Rules approved by the English and American Library Associations. This has included, of course, a faithful adherence to the wording of the title page, except in the omission of the words "A treatise on" when used at the beginning of a title of an English law book. One innovation has been introduced in dealing with joint authors of English legal text-books and reports. Instead of a cross-reference to the principal author with the word "see," the preposition "with" has been inserted as being in accordance with a commonly accepted use in legal phraseology. Thus:

LUSHINGTON (S. G.) *with* MACMORRAN (A.). Orders issued by the Local Government Board. 2 vols. 8vo. London, 1905.

Just as the learned junior might be described as being "with" his leader in a case. The entries under the names of the second author or the editors of English legal text-books are given in an abbreviated form.

Since the Catalogue is primarily for the use of readers in the Library, space has been economised by the exclusion of information which is readily available in other volumes. For example, identifications of anonymous writers given by Halkett and Laing, and Barbier have been accepted, and some bibliographical information included in the last catalogue has been omitted, as it is easily accessible in the *Dictionary of National Biography*. On the other hand, the identification of writers has been made clear, principally by the insertion of their Christian names, and information is given in this way which is not obtainable elsewhere. The compiler desires to express his indebtedness to correspondents who have assisted in supplying it. Repetition of the size and place of publication of the later editions of English legal text-books, when they correspond with the first entry, has been thought unnecessary. Abbreviations or marks of which the meaning is not at once apparent have been avoided as far as possible. The only exception, perhaps, is a Roman followed by an Arabic numeral, as xxiv.—12 (within brackets), referring to a particular item in Vol. xxiv. of a collection of "Dissertationes Juridicae" which were formerly in the Library of the College of Advocates and are included in the Catalogue for the first time. The dissertations are bound in a uniform series in small quarto volumes, but the size in many cases is not denoted on them, and so has not been inserted in the Catalogue. The size, place, and date of publication of the periodical issues of Colonial statutes have been omitted because the details of the numerous variations within a period of even a few years are often so many that the information would occupy an unjustifiable amount of space and be of no practical utility.

In the compilation of the subject-index, the same guiding principles have prevailed in order to provide, as far as possible, for the immediate requirements of readers. More attention has been given to the legal works than to general literature, but

even in dealing with them simplicity has been the primary aim rather than the inclusion of details which may only complicate the search for information. Much assistance in making more complete the cross-references has been derived from the admirable volume of "headings and cross-references for a subject catalogue of American and English law," prepared under the direction of the Law Librarian of the Library of the United States Congress. Among the works of reference used in dealing with the general literature, naturally the foremost place has been taken by the subject-index of the London Library. In dealing with the civil law the old titles have been inserted, including those from a manuscript index of the collection of theses, and attention directed to some of them by the addition of cross-references from the corresponding English subjects.

One noticeable feature, especially in the last decade, has been the steady and sustained increase of the proportion of law books in the Library. The education at the Inns of Court is more specialized than it was in former days. The section "Church History," for example, is reminiscent of the period when, as Fortescue records, the members upon festival days, and after the offices of the Church were over, employed themselves in the study of sacred and profane history.[1] Similarly, the numerous volumes under the title "Political Science" are a reminder of the extent to which members of the Inns of Court, and especially of the Middle Temple, have contributed not only to the sound government of this country,[2] but also of the communities formed by English-speaking people beyond the seas. It is their legislatures who, during the last fifty years, have caused, to a considerable extent, the increase in the proportion of legal books. For the first time "British Empire" is a heading in the Catalogue. In the Catalogue of 1863 the

[1] Fortescue, *De Laudibus Legum Angliae*, c. xlix.

[2] See the Charter granted by James I., as set forth in *Master Worsley's Book*, edited by Master A. R. Ingpen, K.C.

constituent parts were represented by a few entries relating to India and some of the older colonies. Now Canada, Australia, South Africa, and India not only have their separate divisions, but also subdivisions, and a considerable number of new headings have been required for different parts of the Empire. Following upon this development has been the addition of a large section containing the statutes and reports of the United States, strengthened by a gift from Master Joseph Choate. Marked progress, therefore, has been made towards the ideal set forth by Master Treasurer, Sir Fortunatus Dwarris, upon the occasion of laying the foundation-stone on August 16, 1858, when he said that

> A law library . . . "ought to contain the laws of all ages, and of all the countries, and the laws which governed them; the *legum leges*. Next, the most important, that it should show the application of those laws in the thousands and tens of thousands of adjudged cases, reported from all the courts."

He desired also that the Library should be "not only a record of legal movement, but of all intellectual, moral and social progress." By gift as well as by purchase the general literature in the Library has been much enriched since it was collected together in the present building. In particular may be mentioned a varied selection of modern literature presented by Master Samuel Pope, Q.C. The increasing output of books makes the task of selection every year more difficult. The tastes and opinions of readers vary so much that criticism is at all times an easy matter, and the publication of a Catalogue may be regarded as an invitation to direct attention to the lacunae which may be detected easily with its assistance. At the same time the present Catalogue supplies in a large measure the refutation of any criticism, since in comparison with its predecessor it shows a considerable development of the Library. In the compilation, valuable suggestions have been received from time to time from readers, and in particular thanks are due

and are here expressed to the following members of the Inn who have approved the subjects appended to their names:

France: Law, Literature, and History—M. JACQUES-QUARTIER, Docteur en Droit, Avocat à la Cour d'Appel de Paris.

Germany: Law, Literature, and History—Professor C. H. HUBERICH, J.U.D., D.C.L., LL.D., Counsellor-at-law, Berlin and Paris.

Holland: Law, Literature, and History, and Roman Dutch Law —W. R. BISSCHOP, Esq., LL.D.

International Law and Allied Subjects—Sir JOHN MACDONELL, C.B., F.B.A., LL.D., King's Remembrancer and Senior Master of the Supreme Court.

Italy: Law, Literature, and History—T. BOSTON BRUCE, Esq.

The science of cataloguing has developed so appreciably during the past few years that a production of this kind cannot be put forth with any sense of finality; but it is hoped that it may be found to be a faithful record of the wealth and utility of the Library at the close of the year 1913, even though additions and developments may make it necessary in due course for this Catalogue to give place to another for practical purposes.

C. E. A. BEDWELL,
*Keeper of the Library.*

BY ORDER OF THE LIBRARY COMMITTEE.

AUTHOR CATALOGUE

## NOTANDA.

Chron. of Gt. Brit. & Ir. = Chronicles of Great Britain and Ireland (published under the direction of the Master of the Rolls).

n.d. = no date.

n.t.p. = no title-page.

Names of Englishmen are usually given in the form adopted in the Dictionary of National Biography.

Square brackets enclose information which does not appear on the title-page.

Titles composed of more than one word are arranged in the order of the whole, *e.g.* New South Wales follows Newson.

[Reference may also be made to the Preface for information respecting the compilation of the Catalogue.]

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